IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 1719 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RADHABEN POONAMBHAI PARMAR - Applicant(s)
Versus
STATE OF GUJARAT - Respondent(s)

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Appearance :
Mr. N.R. Kodekar for MR VM PANCHOLI for Applicant(s) : 1,
Mr. MR. Mengdey, Addl. PUBLIC PROSECUTOR for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 11/09/2007
ORAL JUDGMENT

Rule. Mr. MR Mengdey, learned APP waives service of Rule. By way of this application the petitioner, original-accused has prayed for an appropriate writ, order or direction quashing and

setting aside the order dated 6.9.2007 passed by the learned JMFC, Tarapur granting police remand for a period of 4 days. By order dated 6.9.2007, this Court passed the following order;

> *"Notice returnable on 11.9.07. Considering the order passed by the learned trial Court granting remand of two days with respect to another co-accused Madhuben Parmar, original accused No.1, without further entering into the merits of the case and without prejudice to the rights and contentions of the respective parties, more particularly, the Investigating Officer to pray for more remand period, by way of ad interim relief, it is directed that the petitioner shall be in police custody/remand upto 8th September 2007 at 5:30 p.m. At present. Shri Pancholi, learned advocate appearing on behalf of the petitioner has submitted that if after considering the police papers, it is found that the learned trial Court was justified in granting the remand for four days, the present interim relief would not come in the way in passing further order of remand. DS permitted today."*

Today, when the matter is called out Shri Mengdey, learned APP appearing on behalf of the State under instructions from one Shri M.D. Latiya, C.P.I. present in the Court has submitted that the petitioner was taken on police remand for a period of two days and further remand is not required. In view of the above statement no further order is required to be passed except modifying the order passed by the learned JMFC, Tarapur dated 6th September 2007 to the extent of grant of police remand of two days only. It is clarified that this Court has not gone into the merits of the case and this Court has modified the aforesaid order of the learned JMFC as pleaded by the learned APP. Rule is made absolute to the aforesaid extent.

[M.R. Shah, J.]

rmr.